

## **“GREEN SHEET”**

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**Meeting:** April 15, 2011—Conference Call

**Agenda Item B :** Commercial shellfish pot gear—Escape mechanism required – Rule Adoption ([WAC 220-52-035](#))

**Prepared By:** Heather Reed, Intergovernmental Resource Management

**Presented By:** Heather Reed, Intergovernmental Resource Management

**Background:**

Sometimes commercial fishermen double or wrap a single strand of cotton twine or other natural fiber multiple times when lacing or sewing closed the wire mesh of shellfish pot gear. Other times they use multiple strands of the twine or fiber. These activities prevent shellfish from escaping if the shellfish pot gear is lost or abandoned.

The proposed changes to this rule are intended to clarify the current language so that it is clear that it is lawful to use a single strand of cotton twine or other natural fiber that is tied together at the ends so that it can be looped between a pot's tie-down straps and lid hook to connect them together. The proposed changes will also clarify that it is unlawful to use multiple strands of fiber or to double or wrap the fiber multiple times when lacing or sewing a pot's wire mesh closed.

These rule changes will make the rule easier to enforce and will allow pot-gear escape mechanisms to work as intended if pots are lost or abandoned.

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**Policy Issue(s) you are bringing to the Commission for consideration:**

Does the Commission want to make the rule for commercial shellfish pot-gear escape mechanisms easier to enforce, and allow the escape mechanisms to work as intended?

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**Public involvement process used and what you learned:**

Fish program and enforcement staff worked with the coastal crab industry through the Coastal Dungeness Crab Advisory Board and considered their input during the development of the proposed changes. The Department filed a CR-102 on February 9, 2011. A letter was sent to coastal commercial crab fishers on March 2, 2011, informing them of the proposed rule changes. Department staff briefed the Commission on this issue at the April 8, 2011 meeting; additional public comments will be accepted on April 15 prior to the decision on rule adoption. To-date, no public comments have been received.

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**Action requested (identify the specific Commission decisions you are seeking):**

Adopt proposed rule amendments to clarify and improve enforceability of WAC 220-52-035 which describes escape mechanisms required on commercial shellfish gear.

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**Draft motion language:**

I move to adopt WAC 220-52-035, Commercial shellfish pot gear – Escape mechanism required, as proposed.

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**Justification for Commission action:**

The proposed changes will save shellfish that are caught in pots that are lost or abandoned by allowing the shellfish to escape and will allow WDFW enforcement staff to issue citations for gear that is in violation of the rule.

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**Communications plan:**

Changes adopted by the Commission will be posted to the Department's "current rule making activity" page of its website. The Fish Program will notify the coastal crab industry on the changes.